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Ecuador

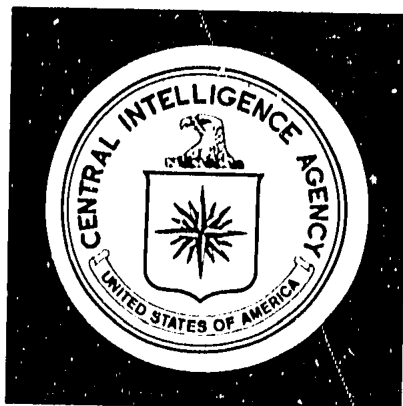
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Law of the Sea Country Study

Ecuador

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GCR LOS 75-11
June 1975

NATIONAL SECURITY INFORMATION
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§ 5B(1), (2), and (3)
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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, and a brief biography of the key personalities involved. Part II provides basic data and information bearing on law of the sea matters.

This study was prepared by the Office of Geographic and Cartographic Research. Biographic support was provided by the Central Reference Service. The study was coordinated within the Directorate of Intelligence and with the Department of State. Comments and questions may be directed to the LOS Country Studies Working Group, Code 143, Extension 2257.

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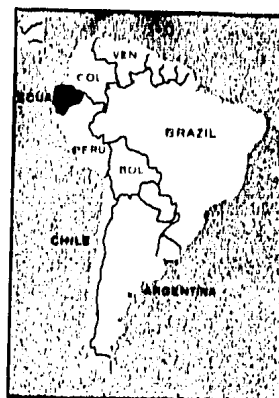
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ECUADOR

Part I - Law of the Sea Analysis

A. SUMMARY (U)

Ecuador's primary law of the sea (LOS) objective is full sovereignty over its coastal waters out to 200 miles* offshore. The 200-mile territorial sea claim has been incorporated in national legislation and the Ecuadorean Government seeks international approval of it, viewing its retention as essential if its popular base of support is to be maintained. Ecuador's main interest in sovereignty out to 200 miles is economic, and officials assure that they have no desire to restrict navigation. In addition to exclusive coastal state control over fisheries -- including highly migratory species -- Ecuador wants complete authority over pollution control, a consent regime for scientific research, and a requirement for transfer of technology. It fears such coastal state authority would not be guaranteed under an economic zone regime.



Ecuador's support for the archipelago concept, which calls for archipelago state sovereignty over waters included within baselines connecting the outermost points of the outermost islands, stems from its desire to have archipelago status granted to the Galapagos Islands.** Ecuadorean LOS experts contend that there should be no distinction between "archipelagic states" and "states with archipelagos." The country's position on the straits issue remains negotiable.

* Distances and areas throughout this study are in nautical miles unless specified otherwise.

** The Informal Single Negotiating Text prepared at Geneva, May 1975, defines an "archipelagic state" as "a State constituted wholly by one or more archipelagos..."

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Ecuador supports the concept of "the common heritage of mankind," and favors giving an international regime jurisdiction over seabed resources and activities within the area beyond the limits of national jurisdiction. The international regime should have the power to control the exploration and exploitation of deep seabed minerals and to equitably distribute the benefits derived from deep seabed mining. Deep seabed mining activities should take into account the protection and conservation of natural resources, the international area should be used for exclusively peaceful purposes, and the rights of coastal states should be respected. The machinery for the international regime should be an International Seabed Authority.

B. FACTORS INFLUENCING LOS POLICY

Special Geographic Features (U)

Ecuador, the third smallest independent South American nation (total land area, 106,000 sq. statute miles), fronts on the Pacific for about 1,400 statute miles. The Galapagos Islands, 600 miles west of the mainland, account for more than half of this coastline although they comprise less than 3 percent of the total land area. Within the 200-meter isobath, the continental and insular shelves are very narrow, and the total shelf area is only 13,700 sq. miles. The area of Ecuador's claimed 200-mile territorial sea (338,000 sq. miles) is almost 25 times that of its shelf and slightly more than three times the land area.

In addition to the rich marine environment, the Pacific Ocean is of importance to Ecuador as a link to world markets; it provides the only practical means of exporting the nation's lucrative agricultural and petroleum products. The Panama Canal, about 500 miles from the northern part of the mainland, is of special significance in that it provides the easiest access to the east coast of the United States and to western Europe, its major trading partners.

Ecuador's coastline affords few good natural harbors, but Guayaquil -- 33 statute miles up the commercially developed Guayas River from the Gulf of Guayaquil -- is the best and largest harbor on South America's Pacific coast. Ecuador proclaimed straight baselines by Supreme Decree in 1971, and waters within the baselines of both the mainland and the Galapagos Islands are considered to be internal waters.

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The 360-statute mile boundary with Colombia is demarcated and undisputed but the 840-statute mile boundary with Peru in places is undefined and in dispute. Ecuador does not recognize the protocol signed at Rio de Janeiro in 1942, which awarded about 70,000 sq. statute miles of disputed territory to Peru.

Uses of the Sea

Mineral Resources -- Oil discoveries in the northeast jungle region of Ecuador in 1967 markedly changed the status of the nation's estimated reserves from that of near depletion to that of 2.5 billion barrels as of 1974. Upon completion of a 313-statute-mile pipeline over the Andes to the coast in 1972, Ecuador became an oil exporter. Ecuador's oil conservation policy, however, restricts production -- daily production has been held to 210,000 barrels. Government policy calls for a 51-percent control of the Texaco-Gulf consortium (which accounts for almost all the oil extracted in the country), but Ecuador owns only 25 percent of Texaco-Gulf, and is not in a financial position to acquire more. (S)

Gas discoveries in the Gulf of Guayaquil, within Ecuador's internal waters, remain undeveloped pending renegotiation between the contractor and the government for offshore rights. Projected feasibility studies for utilization of eastern Ecuador's associated gas, now being flared, include piped gas to the Pacific coast for export as liquefied natural gas. (U)

No metallic minerals are mined from the seabed, and commercial exploitation of land-based minerals is negligible. (U)

Living Resources -- Ecuador considers the rich fisheries within 200 miles of the mainland and the Galapagos Islands as an indispensable source of revenue for its small but rapidly growing fishing industry. The annual fish catch has doubled since 1965. About 80 percent of the total catch is consumed domestically, but most of the shrimp and tuna catch is exported, mainly to the United States. In 1971 the value of fishery exports exceeded US\$18 million, frozen shrimp and frozen and canned tuna accounting for more than half of the total value. (U)

Although Ecuador's annual fish catch has steadily increased, the industry is still in the initial stage of development. Improvement of the fishing fleet has been slow because of the large capital requirements involved. (U)

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Marine and Air Transportation -- Merchant shipping provides the major transportation link between Ecuador and its foreign markets and suppliers, but most of the international seaborne trade is carried by foreign ships. Although there is no overall program for expanding the small Ecuadorean fleet, plans were initiated in 1971 to develop a sizable tanker fleet to transport the increasing crude oil exports. Transportes Navieros Ecuatorianos (TRANNAVE), a commercial ocean-transport company, was established under the administration of the Ecuadorean Navy to transport both commercial cargo and passengers. In 1972 TRANNAVE established a joint oil transport company in which the Ecuadorean Government holds 55 percent of the capital shares and a privately owned Japanese shipping company holds 45 percent. Ecuador's cargo preference law provides that 20 to 50 percent of waterborne import-export cargo be reserved for Ecuadorean-flag ships. Coastal and river cargo and passenger service, however, are reserved exclusively for Ecuadorean-flag ships. (U)

Because of the mountainous terrain and undeveloped surface modes of transportation, domestic air service is the country's only rapid means of transport between its coastal areas and its population centers in the mountains. Ecuador's domestic air service has not flourished, however, because of the nation's weak economic base. Regularly scheduled international flights are provided by eight foreign air carriers and Ecuador's national airline, Ecuatoriana de Aviacion. Ecuador is a member of the International Civil Aviation Organization and has air service agreements and arrangements with at least 21 nations. (U)

The Navy and Air Force -- The missions of the navy are to protect the country from seaward attack, to regulate fishing within the 200-mile territorial waters claimed by Ecuador, and to patrol against coastal smuggling. One of the poorest fleets in South America, the small naval force could provide only token resistance to the superior navies of Peru and Colombia. It is capable of controlling the country's fisheries and port facilities but lacks training, equipment, and personnel to perform adequate coastal surveillance and intercept operations under combat conditions. (C)

The air force is one of the smallest in South America and is weaker than that of neighboring countries. Its missions are those normally assigned to an up-to-standard air force, but in actuality it devotes most of its time to transport and training operations. It fulfills these functions effectively, although it suffers from weaknesses, such as total dependence on foreign sources of supply. (C)

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Political and Other Factors (S)

Ecuador's foreign policy has been conditioned by the nation's economic dependence, its status as a buffer state, and the loss of claimed territories to neighboring countries. Like its predecessors, the present administration, which came to power in a military coup in February 1972, has continued the struggle for national identity. It has attempted to compensate for Ecuador's weakness by expressions of national independence and by assuming an active role in international forums such as the United Nations, the Organization of American States (OAS), and the Organization of Petroleum Exporting Countries. The military government faces the same basic foreign affairs problems that have plagued the nation for decades -- such perennial problems as foreign economic assistance, balance of payment deficits, and enforcing the claim to 200-mile territorial seas off the mainland and around the Galapagos Islands. It also faces new problems -- how best to deal with the foreign companies that are developing the vast oil reserves discovered in the northeast jungle region in 1967, and how to handle the revenues from oil exports which began in mid-1972.

The most troublesome issue in U.S.-Ecuador relations for more than two decades has become known as the Tuna War. The dispute is based on Quito's strict enforcement of its policy of seizing and fining foreign fishing vessels found in the 200-mile zone without Ecuadorean licenses and the U.S. position that unilateral extension of the territorial sea beyond the customary 3-mile limit is contrary to existing international law. In 1971 alone, Ecuador seized more than 50 U.S. tuna boats found in the zone and collected fines and fees amounting to approximately US\$2.5 million. The U.S. Government has enacted legislation to protect American fishermen and to retaliate against Ecuador and other countries that seize U.S.-flag vessels in waters which the United States considers to be high seas. Ecuador labeled these actions, particularly the U.S. suspension of foreign military sales, "coercive," and has referred to the new U.S. Trade Act, of which Ecuador is one of the harshest critics, as a form of economic imperialism. It has remained steadfast in its policy of "not negotiating under pressure."

Except for occasional recurrences of the border dispute with Peru, Ecuador's relations with its neighbors have been good. It joined the Latin American Free Trade Association in 1961 and, more recently, helped develop the subregional plan for an Andean Common Market. In 1972 Ecuador supported Peru's effort to have the OAS reexamine the question of Cuban sanctions. President Rodriguez refers to such moves as "independent" foreign policy.

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Outside the hemisphere, Ecuador is especially friendly with West Germany, the United Kingdom, France, Japan, and Israel -- all have provided loans, aid, or investments. During 1969 consular relations were established with Bulgaria and diplomatic relations were reestablished with the U.S.S.R., Poland, Czechoslovakia, Romania, and Yugoslavia. Diplomatic relations with Hungary were formalized in 1970.

C. LAW OF THE SEA POLICY

Territorial Sea (U)

Ecuador, a staunch adherent to a 200-mile territorial sea claim, believes that all coastal states should have the right to unilaterally extend their territorial jurisdiction up to 200 miles seaward. Ecuador claimed a 3-mile territorial sea until 1951, when by Legislative Decree it extended its sovereignty to 12 miles measured from the outermost coastal projections including those around the Galapagos Islands. The following year, Ecuador joined Peru and Chile in the Declaration of Santiago, asserting their right to a 200-mile "maritime zone" for the purpose of conserving and protecting the natural resources of the zone and regulating the use of the resources. The three countries also agreed to consult on and to cooperate in the joint defense of their sea claims. Although the Declaration of Santiago does not refer specifically to a "territorial sea" and resembles the present "patrimonial sea" concept, Ecuador subsequently incorporated articles in its national legislation to infer strict territorial sea jurisdiction. A major change in Ecuador's civil code in 1966 definitively extended the breadth of the territorial sea to 200 miles -- it provided for total jurisdiction over the 200-mile regime. Current legislation, however, allows for "different zones of the territorial sea... subject to the regime of free navigation or of innocent passage for foreign ships." A fishing law passed in 1969 defines the territorial sea as:

The adjacent sea to a minimum distance of 200 n. miles, measured from the outermost points of the Ecuadorean coast and from the points where the tide is lowest, as well as the interior waters of the gulfs, bays, straits and channels comprised within a line passing through such points, all of which is the territorial sea under the national dominion. The territorial sea is also the interior sea comprised within the 200 n. miles measured from the outermost points of the outermost islands of the Galapagos Archipelago.

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On 8 May 1970, Ecuador signed the Montevideo Declaration of Principles on the Law of the Sea along with Chile, Argentina, Brazil, El Salvador, Nicaragua, Panama, Peru, and Uruguay. The Declaration proclaimed the right of coastal states to avail themselves of the natural resources of the sea adjacent to their coasts; to establish the limits of their maritime sovereignty and jurisdiction in accordance with geographical and geological characteristics; to explore, conserve, and exploit the natural resources; and to adopt regulatory measures within the limits of their jurisdiction. Ecuador, along with 13 other states, also approved the Declaration of the Latin American States on the Law of the Sea on 8 August 1970 at Lima. The Lima Declaration did not mention a 200-mile limit. Instead, it stated that the coastal state had the right "to establish the limits of its maritime sovereignty or jurisdiction in accordance with reasonable criteria, having regard to its geographical, geological, and biological characteristics and the need to make rational use of its resources."

The nine Montevideo Declaration countries held another conference in closed session in January 1971 for the purpose of forming a new strategy in the Latin American struggle for international recognition of the 200-mile claim. The Ecuadorean Ambassador, Teodoro Bustamante Munoz, explained that decisions made at the conference "were not to defend an irreversible position in relation to 200-mile territorial waters, but...to amplify their efforts on all fronts, including the involvement of all developing countries."

President Rodriguez Lara reiterated Ecuador's 200-mile territorial sea claim at the inaugural meeting of the 15th Session of the Economic Commission for Latin America in March 1973, reasserting that "the Revolutionary Government of Ecuador resolutely and irrevocably defends the right to complete sovereignty and exclusive jurisdiction over the seas for a distance of 200 miles from the shore, and it rejects all measures aimed at reducing such rights."

In July 1973 Ecuador, Panama, and Peru cosponsored draft articles in Subcommittee II of the UN Seabed Committee (see Annex) that, among other things, would establish a coastal state's "sovereignty and jurisdiction" adjacent to its coast for as much as 200 miles offshore. There would be "unrestricted" navigation and overflight subject to "the duties of peaceful co-existence and compliance with the provisions laid down by the coastal state as regards prospecting, exploration, conservation, exploitation of resources, the preservation of the marine environment, scientific research, the emplacement of

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installations and safeguards for navigation and shipping." Although no width is mentioned, Article 5 calls for the right of the coastal state to "lay down additional provisions for the passage of foreign vessels and aircraft within a limit close to its coast," which appears to relate to a narrow territorial sea within the 200-mile zone. At the 1974 Caracas session of the LOS Conference, however, chief delegate Valencia Rodriguez said that his delegation would prefer to retain the traditional term "territorial sea" to describe the entire 200-mile-wide zone, and on 16 July Ecuador submitted draft articles in Committee II (see Annex) proclaiming that "each state has the right to establish the breadth of its territorial sea up to a distance not exceeding 200 miles, measured from the applicable baselines." Ecuador was among the few countries who objected to the summation by the Caracas session's Committee II chairman in which he indicated a growing trend in favor of a 12-mile territorial sea. Despite the consensus at the Caracas session, Ecuador still appears unwilling to admit that it may have to look to coastal states rights within the proposed economic zone to help satisfy its original reasons for claiming extensive territorial waters.

Archipelagos and Straits

Ecuador supports the archipelagic principles proposed in March 1973 by Fiji, Indonesia, Mauritius and the Philippines (A/AC.138/SC.II/L.15) that call for archipelago state sovereignty over waters included within baselines connecting the outermost points of their outermost islands. In Seabed Committee II discussions in March 1973 Ecuadorean representative Alfredo Luna suggested that the principles should also apply to those states whose territories incorporated archipelagic areas. This position was reiterated during discussions at the Caracas session of the Third LOS Conference, when Ecuadorean spokesman Luis Valencia Rodriguez said there should be no distinction between "archipelago states and archipelagos that form part of a state." (U)

Not bordered by an international strait, Ecuador has placed no great emphasis on the straits issue, but is perhaps reserving its position for an opportune trade-off. Foreign Office Advisor Ambassador Bustamante said during bilateral talks with U.S. LOS experts in June 1974 that Ecuador fully realizes the importance of maritime access, especially to smaller, trade-dependent states such as itself, and appreciates the strategic importance this issue has to the major powers. He explained that Ecuador could never impose unreasonable restrictions on merchant passage, and that perhaps certain routes could be designated for passage of naval vessels in the zone of national jurisdiction. Bustamante

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also mentioned the Panama Canal during the straits discussion and the dire consequences for Ecuador if use of the canal were ever arbitrarily denied. (C)

Continental Shelf and Coastal State
Jurisdiction Beyond the Territorial Sea (U)

Ecuador is not a party to the 1958 Geneva Convention on the Continental Shelf and opposes restricting the limits of national jurisdiction by means of a depth criterion. The exploitability principle of the Geneva Shelf Convention does not accommodate Ecuador because the exploitation of the seabed mineral resources off the coasts of the mainland and Galapagos Islands, even relatively close offshore, would involve operating at depths far in excess of 200 meters. At the 1974 Caracas session of the LOS Conference the Ecuadorean delegate to Committee II said that his country's lack of a broad continental shelf was one of the compelling reasons it had established a 200-mile territorial sea. On the issue of whether the coastal state should have shelf jurisdiction beyond 200 miles where the shelf exceeds that limit, the delegate voiced Ecuador's support for the Argentinian position, which calls for resource jurisdiction by the coastal state over the entire breadth of the shelf, as well as a redefinition of the shelf limit to make it coincide with the outer edge of the geographic continental margin.

Fisheries

Ecuador has been adamant in its claim of exclusive control over fisheries, including highly migratory species, within 200 miles of its coast. It opposes international regulations that would require the coastal state to allow foreign fleets to fish in the 200-mile area. Ecuador asserts that the 200-mile zone is a natural boundary since it approximates the outer boundary of the Peru (Humboldt) Current. (U)

Some of the world's best tuna fisheries lie within the tropical waters off the coast of Ecuador, and foreign fleets exploited this resource at will until the Declaration of Santiago in 1952, in which Ecuador joined with Peru and Chile in claiming a 200-mile maritime zone. Since then Ecuador has attempted to impose its claimed jurisdiction on all foreign fishermen, requiring them to purchase licenses to fish in the zone and often seizing the boats of violators and imposing fines for their release. U.S. tuna fishermen have continued to operate in the zone without licenses, however, because the business is highly profitable and their losses through fines and fees are reimbursable under the U.S. Fishermen's Protective Act. Ecuador maintains that

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the U.S. reimbursement policy encourages U.S. fishermen to continue violating Ecuadorean waters, and the many discussions between Ecuador and the United States have failed to bring about a halt to the capture of U.S. tuna vessels. Between late 1963 and early 1966 while a "gentlemen's agreement" existed between the two countries, the Ecuadorean Navy limited its patrol to within 12 miles of the coast, but when the military junta was overthrown the fining and seizing of foreign fishing vessels found in the 200-mile zone were resumed. In January 1975 Ecuador promulgated a law which prohibits foreign fishing within 40-mile-wide areas adjacent to both the mainland and Galapagos Islands and prohibits licensing of fishing vessels over 600 net registered tons within any part of the claimed 200-mile territorial sea. (C)

Ecuador is against any special treatment or regime for fish by species, especially for migratory fish such as tuna. In August 1973 Ecuador, along with Panama and Peru, introduced draft articles on fisheries in Subcommittee II (see Annex) that would give the coastal state complete control over all living resources in a zone as much as 200 miles wide. (U)

Ecuador-U.S. tuna discussions, begun in Quito in February 1975, were continued in Geneva in March. Ecuador views the absence of a waiver of U.S. sanctions as the chief obstacle to reaching agreement on a proposed regional fishing conservation organization. In addition to possibly resolving the tuna dispute with Ecuador, the United States sees such an agreement as reinforcing its position on the highly migratory fisheries issue in the LOS Conference negotiations. (C)

High Seas (U)

Draft articles submitted by Ecuador, Panama, and Peru in Subcommittee II of the UN Seabed Committee in July 1973 proposed that "the term 'international seas' shall denote that part of the sea which is not subject to the sovereignty and jurisdiction of coastal states" (see Annex). In addition to spelling out the freedoms that shall be exercised in the international seas "with due consideration for the interests of other states," the articles call for international and regional regulations for fishing and hunting, international pollution control standards, and international regulation of emplacement of artificial islands in the international seas.

Deep Seabed (U)

Ecuador supports the concept of "the common heritage of mankind" as set forth in the 1971 UN Declaration of Principles and favors a strong international authority with jurisdiction

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over seabed resources and activities in the area beyond the limits of national jurisdiction. At the 1974 Caracas session of the Third LOS Conference the Ecuadorean delegate said that his country's position on the international regime and machinery had been set forth in a Latin American working paper cosponsored by Ecuador in August 1971 (see Annex). The paper proposes the establishment of an international authority to control the exploration and exploitation of the deep seabed mineral resources and to equitably distribute the benefits derived from deep seabed mining among all states. Deep seabed mining activities should be carried out in such a manner as to protect and conserve the natural resources of the area, the international area should be used for exclusively peaceful purposes, and the rights and interests of coastal states should be respected. The machinery for the regime would be a universal International Seabed Authority comprised of an Assembly, Council, Enterprise, and Secretariat. In the Assembly, the supreme organ of the Authority, all members of the international community would be represented, and each state member would have one vote. The Council would have 35 members elected by the Assembly, in accordance with the principle of equitable geographical representation. Each Council member would have one vote, and substantive decisions would be by a two-thirds majority. The Enterprise would undertake all activities relating to the exploration and exploitation of deep seabed resources, either by itself or through a system of contracts or joint ventures. The Secretariat would be the administrative arm of the Authority.

At the 1974 Caracas session the Ecuadorean delegate to Committee I mentioned five points important to Ecuador concerning the deep seabed:

- an international regime and machinery with power to regulate and control all matters;
- an international authority with sufficient powers and flexibility to adapt to changes resulting from technical progress and to ensure the marketing of raw materials;
- an enterprise to exploit the seabed directly or jointly with states or companies;
- an all-powerful Assembly, composed of all the members, each having equal power, and no weighted voting; and
- no suspension of the moratorium on deep seabed mining until adoption of the international regime.

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Landlocked States

Draft articles cosponsored by Ecuador in July 1973 (see Annex) call for the right of a landlocked state to free access to the sea through neighboring coastal states for such uses and preferential regimes as may be agreed upon with neighboring coastal states in the waters claimed by the latter; and to preferential regimes, under regional or bilateral agreements, within the waters claimed by coastal states not adjacent to the landlocked state in the same region. In preparation for the 1974 Caracas session of the Third LOS Conference, however, an Ecuadorean interministerial committee recommended that any concessions to the aspirations of landlocked states should be conditioned on their support for the 200-mile thesis. Ecuador views as unacceptable the proposals presented by Bolivia and Paraguay at the 1974 Caracas session regarding the rights of landlocked states in a regional economic zone. While maintaining that "landlocked states have an incontrovertible right of access to the sea," Ecuador contends the right is subject to certain criteria: vessels should be owned in, and sail under the flag of, the landlocked state; and the coastal state should have the right to collect for services rendered, designate ports, and prescribe the means of access. (S)

In August 1971, Ecuador cosponsored a Latin American working paper (see Annex) in the UN Seabed Committee advocating special consideration for developing countries, including landlocked states, in the distribution of benefits from the exploitation of seabed mineral resources of the international area. Similar consideration for equitable participation by landlocked states in the exploitation of fisheries in the international area was proposed in Subcommittee II draft articles cosponsored by Ecuador in August 1973 (see Annex). (U)

Marine Pollution

Marine pollution is not an issue of primary concern for Ecuador, except in its relation to the territorial sea issue. Although it appears willing to accept international standards in its zone of national jurisdiction, Ecuador believes that the coastal state should have complete authority to enforce these standards and that the coastal state, if necessary, should have authority to set additional standards within its zone of jurisdiction. An Ecuadorean delegate at Caracas explained that a coastal state's right to define the limits of its territorial sea up to 200 miles entailed the right to enact necessary provisions for preservation of the marine environment in the area under its jurisdiction, taking into account the interests of the international community. The delegate drew attention

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to proposals submitted to Subcommittee III in July 1973 (see Annex) which emphasize the individual responsibility of each state to prevent and combat pollution "in order to preserve the marine environment as a basic tool of subsistence and economic development." The articles hold each state liable for pollution damage caused to the marine environment of other states or to the international sea by discharges from its territory, from waters under its jurisdiction, and from vessels flying its flag. The articles also emphasize coastal state cooperation with regional and international organizations, and free exchange of scientific and technical information on marine pollution. An international body would be established to centralize and coordinate all information relating to the control of marine pollution and promote international cooperation. (U)

At the Caracas session, Ambassador Bustamante, senior Foreign Office adviser on territorial sovereignty issues, indicated in discussions with U.S. officials that Ecuador could support international standards for vessel-source pollution. (C)

Scientific Research

Ecuador considers complete coastal state control over marine research within its area of sovereignty and jurisdiction as essential to the development of its economy. At the August 1971 Seabed Committee meeting, the Ecuadorean representative stated that "scientific research activities carried out in areas coming under national jurisdiction should be subject to the law of the state concerned, and such research should be published. Activities undertaken in areas beyond national jurisdiction should be subject to the provisions of the international regime." In the July 1973 Subcommittee III meetings, Ecuador cosponsored draft articles on scientific research (see Annex) that would require the consent of the coastal state before research could be conducted in its area of jurisdiction. (U)

Transfer of Technology

Ecuador's interest in the matter of transfer of ocean technology from the advanced nations to developing countries is reflected in its cosponsorship of draft articles on the development and transfer of technology at the 1974 Caracas session of the LOS Conference (see Annex). Among other things, the articles call for all states to promote the scientific and technological capacity of developing states by facilitating the dissemination of data, training of personnel, and transfer of technology. (U)

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D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISERS

General Guillermo Rodriguez Lara, President of the Republic, is the supreme power and all national policy decisions are coordinated with him. Demonstrating considerable interest in LOS matters, he often publicly expresses his determination to maintain the country's sovereignty over 200 miles of territorial waters. An interministerial LOS task force sets forth the national LOS position. The task force includes the Secretary for Fisheries of the Ministry of Natural and Energy Resources and representatives from the Security Council, the Honorable Consultative Council, the Territorial Sovereignty Department of the Foreign Ministry, and the Department of the Navy of the Ministry of National Defense. The majority of the members of the LOS task force were also members of the Ecuadorean delegation to the Third LOS Conference. (C)

The delegation to the 1975 Geneva session included three delegates and five advisers. The delegates were Luis Valencia Rodriguez, who headed the delegation; Rafael Garcia Velasco, former Foreign Minister who now serves on the LOS task force; and Dr. Guillermo Maldonado Lince, former Agriculture Minister who now serves as Ecuadorean Ambassador to UN Organizations at Geneva. (U)

A listing of Ecuadorean attendees at one or more of the three sessions of the Third UN LOS Conference and the UN Seabed Committee preparatory sessions for the Conference follows. (U)

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LOS Conference Attendees (U)

*His Excellency Gonzalo ALCIVAR
Ambassador
Adviser for Territorial Sovereignty
Ministry of Foreign Affairs

Dr. Mario ALEMAN
Counselor
UN Permanent Mission

*Mr. Jose AYALA LASSO
Director General for Territorial
Sovereignty
Ministry of Foreign Affairs

His Excellency Leopoldo BENITES
Ambassador Extraordinary and
Plenipotentiary
Permanent Representative to
the UN

*Dr. Teodoro BUSTAMANTE MUNOZ
Adviser for Territorial
Sovereignty and Acting Chief
of the Legal Department
Ministry of Foreign Affairs

Mr. Eduardo CABEZAS
First Secretary
UN Permanent Mission

*Rafael GARCIA VELASCO
Advisory Member, Studies and
Investigations Commission
Ministry of Foreign Relations

Mr. Washington HERRERA
Commercial Counselor to the UN

Cdr. Raul JARAMILLO DEL CASTILLO
Ministry of Defense

Seabed Committee Session						Thrd LOS Conference		
Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun- Aug 74	Mar- May 75
X		X	X					
				X		X		
	X				X		X	X
		X	X					
	X				X			
		X				X		
							X	X
			X		X			
								X

* See following pages for biographic sketch.

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LOS Conference Attendees (U)

Dr. Hugo JATIVA
Minister
Alternate Representative to
the UN

Cdr. Marco Arturo LEON DUEAS
Navy

Dr. Alfredo LUNA
Ambassador

Rear Adm. Auerelio MALDONADO

Dr. Guillermo MALDONADO LINCE
Ambassador to UN Organizations
in Geneva

Dr. Jose R. MARTINEZ COBL
Ambassador
Permanent Representative to
the UN

Rear Adm. Edmundo MENA SALVADOR
National Security Council

Cdr. Franklin MOLINA
Navy

*Jaime MONCAYO GARCIA
Minister of Finance

Dr. Eduardo MORA ANDA
Foreign Office and Secretary
to the Delegation

Dr. Jose NAJERA ESPINOSA
Deputy Permanent Representative
to the UN;
Director for Economic Affairs
Ministry for Foreign Affairs

Seabed Committee Session						Third LOS Conference		
Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun- Aug 74	Mar- May 75
			X		X			
							X	
				X				
		X						
								X
X								
							X	X
						X		
	X	X	X		X	X		
							X	X
X	X							

* See following pages for biographic sketch.

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LOS Conference Attendees (U)

	Seabed Committee Session						Third LOS Conference		
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun- Aug 74	Mar- May 75
Dr. Edmundo NAVAS Navy					X			X	
Dr. Fernando PAVON EGAS								X	
Dr. Jose Federico PONCE Ambassador Chairman of the Ecuadorean Delegation to the 28th Session of the UNGA							X		
Dr. Luis PONCE ENRIQUEZ Ambassador Counselor to the Ministry of Foreign Affairs					X	X		X	
Dr. Abelardo POSSO Second Secretary UN Permanent Mission							X		
*Mr. Oswaldo RAMIREZ LANDAZURI Consul General in Barcelona (former Director of the Depart- ment for Territorial Sovereignty)					X	X		X	
*Cdr. Hernan RICAURTE MIRANDA National Security Council; Director of Logistics Navy General Staff					X	X			
Cdr. Rodrigo RIVADENEIRA (former Subsecretary for Fisheries, Ministry of Natural Resources)						X		X	
Lt. Francisco RIZZO Navy			X	X					
Dr. Manuel ROSALES CARDENAS Juridical Advisor Ministry of Natural Resources								X	X

* See following pages for biographic sketch.

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LOS Conference Attendees (U)

Horacio SEVILLA BORJA
Counselor
Alternate Representative to
the UN

Mr. Pedro SOSA

Dr. Antonio VACA

*Dr. Luis VALENCIA RODRIGUEZ
Ambassador to Peru;
Head of Delegation to Third
Los Conference

Seabed Committee Session						Third LOS Conference		
Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun- Aug 74	Mar- May 75
		X						
							X	
					X			
							X	X

* See following pages for biographic sketch.

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Next 8 Page(s) In Document Exempt

ECUADOR

Part II - Background Information*

Geography

World region: Latin America
Category: coastal
Bordering states: Colombia, Peru
Bordering bodies of water: Pacific Ocean
Area of continental shelf: 13,700 sq. mi.**
Area to 200 mi. limit: 338,000 sq. mi.**
Area to edge of continental margin: 52,600 sq. mi.**
Coastline: 1,390 statute mi.**
Land: 106,000 sq. statute mi.**
Population: 6,705,000 (excluding nomadic Indian tribes)

Industry and Trade

GNP: \$3.1 billion (1974), \$450 per capita
Major industries: food processing, textiles, chemicals, fishing, petroleum
Exports: \$834 million (f.o.b., 1974); bananas, petroleum, coffee, cocoa, sugar, fish products
Imports: \$602 million (c.i.f., 1974); agricultural and industrial machinery, wheat, petroleum products, chemical products, transportation and communication equipment
Major trade partners: exports -- U.S. 35%, EC 15%, Japan 5%; imports -- U.S. 33%, EC 26%, Japan 11% (1973)
Merchant marine: 14 ships (1,000 GRT or over), totaling 119,100 GRT; 8 cargo, 6 tanker (C)

Marine Fisheries

Catch: 105,000 metric tons; imports -- negligible (1971); exports -- \$30.3 million (1973)
Economic importance: significant
Species: tuna, shrimp
Marine fisheries techniques: coastal, deep-water
Other countries fishing off coast: U.S., Canada, Japan

* Unless otherwise indicated, individual items are Unclassified/For Official Use Only. Classification designations are (C) Confidential and (S) Secret.

** Includes Galapagos Islands (Archipielago de Colon)

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Petroleum Resources

Petroleum: production -- 59 million 42-gal. bbl. (8 million metric tons) onshore; proved recoverable reserves -- 2,500 million 42-gal. bbl. (340 million metric tons) onshore (1974)
 Natural gas: production -- 5.6 billion cubic feet (1.6 billion cubic meters) onshore (1974); proved recoverable reserves -- 6,000 billion cubic feet (170 billion cubic meters) onshore (1971)

Navy (S)

Ships: 2 patrol escorts (PF), 2 escorts (PCE), 3 fast patrol craft (PTF), 2 motor gunboats (PGM), 5 river/roadstead patrol boats (PBR), 3 amphibious warfare ships, 4 auxiliaries, 4 service craft

Government Leaders

President, General Guillermo Rodriguez Lara
 Foreign Minister, Antonio J. Lucio Paredes Benites

Multilateral Conventions

Chile-Ecuador-Peru. Declaration of the Maritime Zone. Santiago, August 18, 1952.
 IMCO Convention. July 12, 1956.
 Nuclear Test Ban Treaty. May 8, 1964.
 Declaration of Montevideo on the Law of the Sea. May 8, 1970.
 Declaration of Lima on the Law of the Sea. August 4-8, 1970.

Membership in Organizations Related to LOS Interests

ECOSOC	Economic and Social Council
IADB	Inter-American Defense Board
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
LAFTA and Andean Sub-Regional Group (created in May 1969 within LAFTA)	Latin American Free Trade Association
OAS	Organization of American States
Seabed Committee	United Nations Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction
UN	United Nations

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Present Ocean Claims*

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Territorial Sea	1930	3 mi.	Art. 582 Book II <u>Registro Oficial</u> 2-b-510
	1951	12 mi.	Decree Law of Feb. 21, 1951, <u>Registro Oficial</u> , Mar. 6, 1951
	1966 <u>1/</u>	200 mi.	Executive Accord of Nov. 10, 1966 Decree Law 1542
Continental Shelf	1951	200 meters	Leg. Decree, Feb. 21, 1951 Including sovereignty over superjacent waters <u>Registro Oficial</u> No. 756, Mar. 6, 1951
Exclusive Fishing	1938	12 mi.	Reg. of Feb. 2, 1938
	1951	200 mi.	Civil Code Decree Law 003, Feb. 22, 1951
Fisheries Conservation	1969	200 mi.	Law 110 CL Off. Reg. No. 132 Mar. 10, 1969
Customs	1938	12 mi.	
	1966	200 mi.	
Security	1938	12 mi.	
	1966	200 mi.	
Criminal Jurisdiction	1938	12 mi.	
	1966	200 mi.	

* Principal Source: Limits of the Seas, National Claims to Maritime Jurisdictions, 2d Revision, State Dept./INR April 1974

1/ Declaration on the Maritime Zone of 1952; as incorporated into domestic law provides sole jurisdiction and sovereignty over the area of the sea, the subsoil and seabed adjacent to their coastlines and extending to a line parallel to, and not less than 200 mi. from said coastlines. Registro Oficial, Nov. 11, 1966 at 18 (200 mi. territorial sea). Apr 23, 1971, Proposed Revisions of 1946 Constitution to add 200 mi limit. Art. 4, 6, 633, and 633 A.

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SECRET

Present Ocean Claims (con't)

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Neutrality	1966	200 mi.	
Sanitary	1966	200 mi.	
Pollution		200 mi.	
Straight Baselines	1971	Around the Galapagos and Mainland (outermost islands)	Supreme Decree No. 958 of June 28, 1971 <u>Registro Oficial</u> No. 265 of July 13, 1971. See <u>Limits of the Seas</u> No. 42.

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Action on Significant UN Resolutions

- | | |
|--|------------------|
| Moratorium Resolution
(A/RES/2574 D, XXIV, 12/15/69)
<i>Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.</i> | In favor |
| LOS Conference
(A/RES/2750 C, XXV, 12/17/70)
<i>Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.</i> | In favor |
| LOS Conference, Timing and Site
(A/RES/3029 A, XXVII, 12/18/72) | Adopted w/o vote |
| Indian Ocean as a Zone of Peace
(A/RES/2992, XXVII, 12/15/72)
<i>Called upon littoral and hinterland states of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.</i> | In favor |
| Landlocked/Shelf-Locked Study Resolution
(A/RES/3029 B, XXVII, 12/18/72)
<i>Called for study of extent and economic significance in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Seabed Committee.</i> | Against |
| Peruvian Coastal State Study Resolution
(A/RES/3029 C, XXVII, 12/18/72)
<i>Called for study of potential economic significance for riparian states, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.</i> | In favor |
| Permanent Sovereignty over Natural Resources
(A/RES/3016 XXVII, 12/18/72)
<i>Reaffirmed right of states to permanent sovereignty over all their natural resources, wherever found.</i> | In favor |

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UNITED NATIONS

GENERAL
ASSEMBLY



Distr.
GENERAL

A/AC.138/49
4 August 1971

ORIGINAL: ENGLISH AND SPANISH

COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND THE
LIMITS OF NATIONAL JURISDICTION

Dual distribution

WORKING PAPER ON THE REGIME FOR THE SEA BED AND OCEAN
FLOOR AND ITS SUBSOIL BEYOND THE LIMITS OF NATIONAL JURISDICTION

Submitted by Chile, Colombia, Ecuador, El Salvador, Guatemala, Guyana,
Jamaica, Mexico, Panama, Peru, Trinidad and Tobago, Uruguay, Venezuela.

P R E A M B L E

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.....
.....

C H A P T E R I

Fundamental principles

Art. 1.- The Sea Bed and Ocean Floor and the subsoil thereof beyond the limits of national jurisdiction (hereinafter referred to as "the area") as well as its resources are the common heritage of mankind.

Art. 2.- The area and its resources shall not be subject to appropriation by any means whatsoever by States or persons, natural or juridical, and no State shall claim or exercise sovereignty over any part of the area and its resources, nor shall it claim or exercise any rights except as hereinafter provided.

Art. 3.- Exclusive jurisdiction over the area and administration of its resources shall be exercised on behalf of mankind by the Authority established under this Convention.

11.71-17557

Art. 4.- The benefits obtained from exploitation of the resources of the area shall be distributed equitably among all States, irrespective of their geographical location, giving special consideration to the interests and needs of developing countries, whether coastal or landlocked.

Art. 5.- Exploitation of the resources of the area shall be carried out in a rational manner so as to ensure their conservation and to minimize any fluctuation in the prices of minerals and raw materials from terrestrial sources that may result from such exploitation and adversely affect the exports of the developing countries.

Art. 6.- All activities in the area shall be carried out in such a manner as to protect and conserve the natural resources of the area and to prevent damage to the fauna and flora of the marine environment.

Art. 7.- The area shall be used exclusively for peaceful purposes.

Art. 8.- In the activities carried out in the area, the rights and legitimate interests of coastal States shall be respected. Consultations shall be maintained with the coastal States concerned with respect to activities relating to the exploration of the area and the exploitation of resources with a view to avoiding infringement of such rights and interests. Coastal States shall have the right to adopt such measures as may be necessary to prevent, mitigate or eliminate grave danger to their coasts or related interests that may result from pollution, the threat of pollution or from any other hazardous occurrences resulting from or caused by such activities.

CHAPTER II

The Authority. Members. Functions and Powers.

Art. 9.- The Parties to this Convention do hereby establish an International Authority, for the Sea bed, herein referred to as "The Authority".

Art.10.- The seat of The Authority shall be - It may be transferred by the Assembly on the affirmative vote of two thirds of its members.

Art.11.- Membership in the Authority shall be open to all States.

Art.12.- The Authority shall have such international legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Art.13.- The Authority shall enjoy in the territory of each of its members, such privileges and immunities as are necessary for the fulfilment of its purposes.

Art.14.- The International Seabed Authority, hereby established, is empowered:

(a) to provide for the orderly and safe development and rational management of the area and its resources for the benefit of mankind;

(b) to undertake scientific research in the area;

(c) to undertake exploration of the area, and exploitation of its resources as well as all activities relating to production, processing and marketing;

(d) to provide for the equitable sharing of benefits deriving from the exploration of the area and the exploitation of its resources, taking into account the special interests and needs of the developing countries, whether landlocked or coastal, in accordance with precise criteria to be established by the Assembly;

(e) to take all necessary measures, including inter alia, control, reduction or suspension of production or fixing of prices of products obtained from exploitation of the area, whenever it deems that such production may have adverse economic effects for developing countries, exporters of raw materials;

(f) to take measures to prevent, mitigate or eliminate pollution or the threat of pollution as well as other hazardous occurrences resulting from or caused by any activities in the area;

(g) to make, on the initiative of interested States or in agreement with them, such regional or subregional arrangements, including the establishment of subsidiary organs and regional or subregional facilities, as it deems necessary for the exercise of its functions;

(h) to take measures to ensure the implementation of the principles and provisions of this convention.

Art.15.- The Authority shall itself undertake exploration and exploitation activities in the area; it may, however, avail itself for this purpose of the services of persons, natural or juridical, public or private, national or international, by a system of contracts or by the establishment of joint ventures. The Authority itself may also undertake scientific research. It may authorize other persons to carry out or undertake such research, provided that the Authority may supervise any research authorized by it.

Art.16.- In order to ensure the participation of developing countries on terms of equality with developed countries in all aspects of the activities carried out in the area, the Authority:

(a) shall establish oceanographic institutions on a regional basis for the training of nationals of developing countries in all aspects of marine science and technology;

(b) shall provide to developing countries on request technical assistance and experts in the field of oceanographic exploration and exploitation;

(c) shall adopt all appropriate measures to ensure the employment of qualified personnel from developing countries in all aspects of the activities carried out in the area;

(d) shall give priority to the location in developing countries of processing plants for the resources extracted from the area;

(e) shall, in the conclusion of contracts and the establishment of joint ventures, give due consideration to entities from developing countries; shall make adequate plans to promote the creation and development of such entities and reserve zones within the area for preferential exploitation by such entities.

Art.17.- Authorization for scientific research shall be granted to any entity offering, in the judgment of the Council, the necessary guarantees as to its technical competence and undertaking to assume responsibility for any damage that may be caused to the marine environment and to comply with the regulations adopted in this regard by the Authority. Such authorization may be denied whenever, in the judgment of the Council, there are reasons to believe that the proposed activities do not have a peaceful purpose, or that they are to be pursued with a view to financial gain or that they are likely to involve risks to the marine environment.

Authorization may also be revoked at any time for violation of the applicable regulations adopted by the Authority.

Art.18.- The Authority shall at all times have access to all research data as well as to interim and final results of research. Such results and data must be communicated to the Authority before their publication or communication to other institutions or governments.

Art.19.- The Authority has the right to supervise at all times all stages of any scientific research programme which is carried out in the area or to participate in any or all stages of such research whenever it considers participation desirable.

C H A P T E R I I I

STRUCTURE

Organs

Art.20.- The principal organs of the Authority shall be the Assembly, the Council, the International Seabed Enterprise (ISBE) hereinafter referred to as the Enterprise, and the Secretariat.

SECTION 1

The Assembly

Art.21.- The Assembly shall be the supreme organ of the International Seabed Authority and shall consist of all States members of the Authority.

Art.22.- The Assembly shall meet in ordinary session annually. Extraordinary sessions of the Assembly shall be convoked by the Secretary-General at the request of the Council or of a simple majority of the members.

A simple majority of the members shall constitute a quorum at meetings of the Assembly. Each State member of the Assembly shall have one vote.

Decisions of the Assembly shall be taken by a majority of the members present and voting.

Art.23.- The Assembly may discuss and decide on any questions or any matters within the scope of the present Convention or relating to the powers and functions of the Authority as embodied in Article 14, and give directions to the Council and other organs of the Authority on any of those questions or matters.

Art.24.- The Assembly shall inter alia be empowered:

- (a) to elect its President and other officers;
- (b) to elect the members of the Council after having determined the group to which each Contracting Party will belong for the purpose of those elections, in accordance with the terms of Article 15 on the distribution of seats;
- (c) to determine its rules of procedure and constitute such subsidiary organs as it may consider necessary or desirable;
- (d) to decide on the question of contribution;
- (e) to approve the Authority's budget;
- (f) to consider the annual reports from the Council and the Secretary-General as well as any special ones which it may receive, including those submitted upon its own request;
- (g) to approve the regulations proposed by the Council relating to the formation of contracts and joint ventures with juridical persons, duly sponsored by States for the exploitation of the resources of the area;
- (h) to approve the report of the Enterprise, submitted through the Council;

(i) to adopt precise criteria for the sharing of benefits as well as approve annually the plan submitted by the Council on the basis of such criteria;

(j) Question of the powers and functions of the Assembly relating to the Enterprise.

(k) to decide from time to time which parts of the area are open to exploration and exploitation, and to establish as may be deemed necessary for the orderly development of the area and preservation of the marine environment and its living resources, reserve areas free from exploration and exploitation.

Art.25.- The Assembly shall establish, as an advisory body to the Council, a Planning Commission to draw up plans and make recommendations, as may be necessary, for the development and use of the area and its resources, including appropriate measures for the strengthening of the technological capability of developing countries and for preventing any fluctuation in the prices of raw materials that may adversely affect the economy of developing countries.

SECTION 2

COUNCIL

Art.26.- The Council shall comprise 35 members and shall meet as often as necessary for the performance of its functions.

Art.27.- Members of the Council shall be elected by the Assembly, from the lists prepared in accordance with Article... having due regard to the principle of equitable geographical representation.

Art.28.- The members of the Council shall serve for a term of three years and shall be eligible for re-election. Elections shall be held every year. The Assembly shall determine, by drawing lots, after the first election, that the mandate of twelve members shall expire at the end of one year and that of twelve other members at the end of two years.

Art.29.- Each member of the Council shall have one vote. Substantive decisions of the Council shall be made by a two-thirds majority of the members of the Council present and voting. Procedural decisions (including the question as to whether a particular decision is substantive) shall be made by a simple majority of members of the Council present and voting.

Art.30.- The Council shall elect its Chairman, three Vice-Chairmen and one Rapporteur for a term of one year.

The Chairman, or in case of his incapacity, the Vice-Chairman, appointed by him shall:

Convene and conduct the meetings of the Council and carry out such other functions as may be assigned to him by the Council.

Art.31.- Any Contracting Party not represented on the Council may participate without vote in the consideration by the Council of any question which is of particular interest to it.

Art.32.- The powers and duties of the Council shall be to:

- (a) submit annual reports to the Assembly as well as special reports which it may deem necessary or when requested by the Assembly;
- (b) determine its rules of procedure;
- (c) propose to the Assembly the establishment of subsidiary organs, as may be necessary or desirable, and the definition of their duties;
- (d) to make recommendations to the Assembly as to the contribution of member States;
- (e) submit proposed budgets to the Assembly for its approval, and supervise their execution;
- (f) issue regulations pertaining to all activities undertaken in the area, including those related to the resources thereof, and supervise those activities, in accordance with such criteria as may be laid down by the Assembly;
- (g) submit to the Assembly proposed rules and regulations on the formation of joint ventures with juridical persons, duly sponsored by States, for the exploration and exploitation of the resources of the area;
- (h) submit to the Assembly the scale of distribution among Contracting Parties of benefits from activities in the area;
- (i) authorize scientific research in the area;
- (j) set rules and standards for the prevention of pollution and contamination of the marine environment from seabed activities;
- (k) adopt, for the benefit of developing countries, measures designed to attain the aims set forth in Art. 16.
- (l) to make recommendations to the Assembly with respect to reserve areas as provided for in Art. 24j;
- . (m) (question of the powers and functions of the Council with regard to the Enterprise)]

SECTION 3

THE ENTERPRISE

Art.33.- The Enterprise is the organ of the Authority empowered to undertake all technical, industrial or commercial activities relating to the exploration of the area and exploitation of its resources (by itself, or in joint ventures with juridical persons duly sponsored by States).

Art.34.- The Enterprise shall have an independent legal personality and such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Art.35.- (Questions relating to the structure and functions of the Enterprise).

SECTION 4

THE SECRETARIAT

Art.36.- There shall be a Secretary-General, elected by the Assembly for a term of five years. The Secretary-General shall be the chief administrative officer of the Authority.

Art.37.- The Secretary-General shall act in that capacity in all meetings of the Assembly and the Council and shall perform such other duties as are entrusted to him by these organs. He shall make an annual report to the Assembly on the work of the Authority.

Art.38.- The Secretary-General shall act in an advisory capacity to the Enterprise.

Art.39.- The Secretary-General shall be responsible for the distribution of all information obtained from scientific research in the area.

Art.40.- The Secretary-General shall draw the attention of the Council to any matter which in his opinion may require its urgent consideration.

Art.41.- In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Authority. They shall refrain from any action which might reflect on their position as international officials responsible only to the Authority.

Art.42.- Each Member of the Authority undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and shall not seek to influence them in the discharge of their responsibilities.

Art.43.- The staff shall be appointed by the Secretary-General under regulations established by the Assembly.

Art.44.- Appropriate staffs shall be permanently assigned to the Assembly and the Council, and, as required, to other organs of the Authority. These staffs shall form a part of the Secretariat.

Art.45.- The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER IV

SETTLEMENT OF DISPUTES

CHAPTER V

FINAL PROVISIONS

(Questions relating to amendments, ratification, accessions, reservations, entry into force, etc.)

UNITED NATIONS

GENERAL
ASSEMBLY



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LIMITED

A/AC.138/SC.II/L.27
13 July 1973

ENGLISH
Original: SPANISH

COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

DRAFT ARTICLES FOR INCLUSION IN A CONVENTION ON THE LAW OF THE SEA

Working paper submitted by the delegations
of Ecuador, Panama and Peru

PART I

ADJACENT SEA

Section I - General provisions

Article 1

1. The sovereignty of the coastal State and, consequently, the exercise of its jurisdiction, shall extend to the sea adjacent to its coast up to a limit not exceeding a distance of 200 nautical miles measured from the appropriate baselines.
2. The aforesaid sovereignty and jurisdiction shall also extend to the air space over the adjacent sea, as well as to its bed and subsoil.

Article 2

It shall be the responsibility of every coastal State to fix the limits of the adjacent sea under its sovereignty and jurisdiction, within the maximum distance referred to in article 1, with due regard to reasonable criteria taking account of the relevant geographical, geological, ecological, economic and social factors, as well as of considerations of the preservation of the marine environment and of national security.

Section II - Baselines

... (Provisions on delimitation between States whose coasts are opposite or contiguous).

Article 3

1. The area of sovereignty and jurisdiction of an archipelagian State may be measured from straight baselines joining the outermost points of the outer islands and reefs of the archipelago.

GE.73-48439

2. In such cases, the waters enclosed by the baselines shall be considered internal waters, though vessels of any flag may sail in them, in accordance with the provisions laid down by the archipelagic State.

... (Complementary provisions)

Section III - Navigation régime

Article 4

1. In the sea under the sovereignty and jurisdiction of the coastal State, vessels of any flag may sail freely, without restrictions other than those imposed by the duties of peaceful co-existence and compliance with the provisions laid down by the coastal State as regards the prospecting, exploration, conservation and exploitation of resources, the preservation of the marine environment, scientific research, the emplacement of installations and safeguards for navigation and shipping.

2. In so far as they are relevant, the provisions of the preceding paragraph shall also apply to aircraft.

Article 5

Notwithstanding the provisions of article 4, the coastal State may lay down additional provisions for the passage of foreign vessels and aircraft within a limit close to its coast, for the purpose of safeguarding national peace, order and security.

... (Complementary provisions, including passage through straits used for international navigation)

Section IV - Natural resources régime

Article 6

The renewable and non-renewable resources of the sea, and of its bed and subsoil, within the limits referred to in article 1 shall be subject to the sovereignty and jurisdiction of the coastal State.

Article 7

The prospecting and exploration of the adjacent sea, as well as the exploitation of its non-renewable resources, shall be subject to the regulations of the coastal State, which may reserve the aforesaid activities for itself or its nationals, or permit them to be carried out by third parties in accordance with the provisions of its internal legislation and of any relevant international agreements it may conclude.

Article 8

The prospecting, protection, conservation and exploitation of the renewable resources of the adjacent sea shall also be subject to the regulations of the coastal State and to any relevant agreements which it may conclude, with due regard, so far as may be appropriate, to co-operation with other States and the recommendations of international technical organizations.

... (Complementary provisions on natural resources)

Section V - Pollution control régimeArticle 9

It shall be the responsibility of the coastal State to establish measures to prevent, reduce or eliminate in its adjacent sea any damage or risks arising from pollution or other effects detrimental or dangerous to the ecological system of the marine environment, water quality and use, living resources, human health and the ~~recreation~~ ^{distribution} of its population, with due regard to co-operation with other States and the recommendations of international technical organizations.

... (Complementary provisions on pollution)

Section VI - Scientific research régimeArticle 10

1. It shall be for the coastal State to authorize any scientific research activities that may be conducted in its adjacent sea; the coastal State shall also have the right to participate in such activities and to receive the results obtained.

2. In the regulations which it establishes for this purpose, the coastal State shall bear particularly in mind the desirability of promoting and facilitating such activities and of co-operating with other States and international organizations in disseminating the results of the research.

... (Complementary provisions on scientific research)

Section VII - Régime governing installationsArticle 11

The coastal State shall permit the laying of submarine cables and pipelines in its adjacent sea, without restrictions other than those that may result from the provisions referred to in article 4, paragraph 1.

Article 12

The emplacement and use of artificial islands and other installations and devices on the surface of the sea, in the water column and on the bed or in the subsoil of the adjacent sea shall be subject to authorization and regulation by the coastal State.

... (Complementary provisions on installations)

Section VIII - Regional and subregional régimesArticle 13

1. In regions or subregions in which certain coastal States, owing to geographical or ecological factors, are unable, before all their coastlines, to extend the limits of their sovereignty and jurisdiction up to distances equal to those adopted by other coastal States in the same region or subregion, the former States shall enjoy, in the seas of the latter States, a preferential régime vis-à-vis third States in

matters relating to the exploitation of renewable resources, the said régime to be determined by regional, subregional or bilateral agreements taking into account the interests of the respective States.

2. Enjoyment of the preferential régime referred to in the preceding paragraph shall be reserved to nationals of the usufructuary States for internal use.

Article 14

The coastal States of a single region or subregion shall promote such forms of co-operation and consultation as they consider most appropriate in the legal, economic, scientific and technical spheres relating to maritime questions.

... (Complementary provisions on regional and subregional agreements).....

Section IX - Land-locked countries régime

Article 15

1. Land-locked States shall have the right of free access to the sea for the purpose of such uses and such preferential régime as they may agree upon with the neighbouring coastal States within the seas adjacent to the latter, and for enjoyment of the freedoms of the international seas.

2. Such uses and such preferential régime in the seas adjacent to the neighbouring coastal States as may be agreed upon shall be reserved to national enterprises of the land-locked State.

3. For the purposes provided for in this article, coastal States shall guarantee neighbouring land-locked States free passage through their territories, as well as equal treatment as regards entry into and use of ports, in accordance with internal legislation and any relevant agreements they may conclude.

Article 16

Coastal States which are not adjacent to land-locked States in the same region or subregion shall accord uses and a preferential régime within their adjacent seas to national enterprises of such land-locked States, under regional, subregional or bilateral agreements taking the interests of the respective States into account.

... (Complementary provisions on the régime for land-locked countries).....

PART II

CONTINENTAL SHELF

... (Provisions to be considered for cases in which the continental shelf extends beyond the limits referred to in article 1).

PART III
INTERNATIONAL SEASArticle 17

The term "international seas" shall denote that part of the sea which is not subject to the sovereignty and jurisdiction of coastal States.

Article 18

The international seas shall be open to all States, whether coastal or land-locked, and their use shall be reserved for peaceful purposes.

Article 19

The following freedoms shall be exercised on the international seas:

- (1) freedom of navigation;
- (2) freedom of overflight;
- (3) freedom to lay submarine cables and pipelines;
- (4) freedom to emplace artificial islands and other installations permitted under international law, without prejudice to the provisions of article 24;
- (5) freedom of fishing, subject to the conditions laid down in article 20;
- (6) freedom of scientific research, subject to the conditions laid down in article 23.

These freedoms shall be exercised by any State, with due consideration for the interests of other States in the exercise of the same freedom.

... (Complementary provisions)

Article 20

1. Fishing and hunting in the international seas shall be subject to regulations of a world-wide and regional nature.
2. The aforesaid activities shall be carried out by techniques and methods which do not jeopardize adequate conservation of the renewable resources of the international seas.

Article 21

The coastal State has a special interest in maintaining the productivity of renewable resources in any part of the international seas adjacent to the area subject to its sovereignty and jurisdiction.

Article 22

All States shall be obliged to comply with international regulations designed to prevent, reduce or eliminate any damage or risks arising from pollution or other effects detrimental or dangerous to the ecological system of the international seas, water quality and use, living resources and human health.

... (Complementary provisions on pollution)

Article 23

Scientific research in the international seas shall be open to any State and shall be promoted and facilitated under forms of co-operation and assistance which permit the participation of all States, irrespective of their level of development or of whether they are coastal or land-locked.

... (Complementary provisions on scientific research)

Article 24

The emplacement of artificial islands or any other type of installations apart from submarine cables or pipelines shall be subject to international regulations.

... (Complementary provisions on the international seas)

PART IV

BED AND SUBSOIL OF THE INTERNATIONAL SEAS

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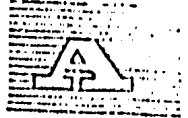
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COMMITTEE ON THE PEACEFUL USES OF THE SEA-BED AND THE
OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION

SUB-COMMITTEE II

DRAFT ARTICLES ON FISHERIES IN NATIONAL AND
INTERNATIONAL ZONES IN OCEAN SPACE

Submitted by the delegations of Ecuador, Panama and Peru

Note: These draft articles supplement the provisions contained in part I (articles 6 and 8) - and part III (articles 19, 20 and 21) of the Draft Articles for Inclusion in a Convention on the Law of the Sea, submitted in document A/AC.138/SC.II/L.27. They incorporate some of the concepts contained in proposals of other delegations concerning fishery régimes.

I. Fisheries in zones of national sovereignty and jurisdiction

Article A

It shall be the responsibility of the coastal State to prescribe legal provisions relating to the management and exploitation of living resources in the maritime zone under its sovereignty and jurisdiction, primarily for the purposes of ensuring the conservation and rational utilization of such resources, the development of its fishing and related industries and the improvement of the nutritional levels of peoples.

Article B

The coastal State may reserve the exploitation of living resources in the maritime zone under its sovereignty and jurisdiction to itself or its nationals, having regard to the need to promote the efficient utilization of such resources, economic stability and maximum social benefits.

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Article C

Where the coastal State permits nationals of other States to exploit living resources in the maritime zone under its sovereignty and jurisdiction, it shall establish conditions for such exploitation, including, inter alia:

- (a) obtaining fishing and marine hunting licences and permits through payment of the corresponding fees;
- (b) specifying the species that may be caught;
- (c) fixing the age and size of the fish or other resources that may be caught;
- (d) establishing prohibited areas for fishing and hunting;
- (e) fixing the periods during which the indicated species may be caught;
- (f) fixing the maximum size of catches;
- (g) limiting the number and tonnage of the vessels and the gear that may be used;
- (h) specifying the gear permitted to be used;
- (i) procedures and penalties applicable in cases of violation.

Article D

1. In adopting measures to conserve living resources in the maritime zone subject to its sovereignty and jurisdiction, the coastal State shall endeavour to maintain the productivity of species and avoid harmful effects for the survival of living resources outside the said zone.
2. The coastal State shall, for the foregoing purposes, promote any necessary co-operation with other States and with competent international organizations.

Article E

The coastal State may, within the limits of the maritime zone under its sovereignty and jurisdiction, board and inspect foreign-flag fishing or hunting vessels; if it finds evidence or indications of a breach of the legal provisions of the coastal State, it shall proceed to apprehend the vessel in question and take it to port for the corresponding proceedings.

Article F

Any dispute concerning fishing or hunting activities by foreign-flag vessels within the zone under the sovereignty and jurisdiction of the coastal State shall be settled by the competent authorities of the coastal State.

(II) Fisheries in international seas

Article G

Fishing and marine hunting activities in the international seas shall be conducted in conformity with the articles of this Convention and with any agreements that are concluded at the world or regional level.

Article H

1. Regulations adopted to regulate fishing and hunting in the international seas shall ensure the conservation and rational utilization of living resources and the equitable participation of all States in their exploitation, with due regard to the special needs of the developing countries, including those of the land-locked countries.
2. Such regulations shall establish conditions and methods of fishing and hunting which prevent the indiscriminate exploitation of species and avert the danger of their extinction.

Article I

The coastal State shall enjoy preferential rights to exploit living resources in a sector of the sea adjacent to the zone under its sovereignty and jurisdiction, and may reserve to itself or its nationals a part of the permissible catch of such resources.

Article J

With regard to the living resources of an area of the sea situated beyond the limits of the zones of sovereignty and jurisdiction of two or more States, which breed, feed and live by reason of the resources of that area, the States concerned may agree among themselves on appropriate regulations for the exploration, conservation and exploitation of such resources.

Article K

States shall ensure that the vessels of their flag comply with the fishing and hunting regulations applicable in the international seas; and they shall punish those responsible for any breach that may come to their notice.

Article I

Where a State has good reason to believe that vessels of the flag of another State have violated fishing and hunting regulations applicable to the international seas, the former State may request the flag State to take the necessary steps to punish those responsible.

Article II

Any dispute relating to the interpretation or application of articles G to L of this Convention and of any international or regional regulations that may be adopted, or in respect of fishing and hunting activities in the international sea, shall be submitted to the procedures for peaceful settlement provided for in the Convention.



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Second Committee

ECUADOR: PROPOSAL ON THE TERRITORIAL SEA
(item 2.1)

ARTICLE 1

1. The sovereignty of a coastal State extends beyond its coast and internal or archipelagic waters to an adjacent zone described as the territorial sea.
2. The sovereignty extends also to the sea-bed and subsoil of the territorial sea as well as to the corresponding air space.
3. Each State has the right to establish the breadth of its territorial sea up to a distance not exceeding 200 nautical miles, measured from the applicable baselines.

ARTICLE 2

The coastal State exercises its sovereignty over the territorial sea subject to the provisions of this Convention.

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COMMITTEE ON THE PEACEFUL USES OF THE
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LIMITS OF NATIONAL JURISDICTION

SUB-COMMITTEE III

SCIENTIFIC RESEARCH WITHIN THE ZONE SUBJECT TO THE SOVEREIGNTY
AND JURISDICTION OF THE COASTAL STATE

Brazil, Ecuador, El Salvador, Peru and Uruguay:

1. The coastal State shall have the right to bring under regulation scientific research activities conducted in the zone subject to its maritime sovereignty and jurisdiction.
2. Scientific research activities in the zone subject to the maritime sovereignty and jurisdiction of the coastal State shall be conducted for peaceful purposes.
3. The coastal State shall promote, select and facilitate scientific research activities within the zone subject to its maritime sovereignty and jurisdiction with a view to promoting the development of science and technology, in order that the results may contribute to a better knowledge, and to the preservation of the marine environment and its resources and to a more efficient exploitation of those resources.
4. States, international organizations and physical or juridical persons desiring to undertake scientific research activities within the zone under the maritime sovereignty and jurisdiction of the coastal State shall apply for and obtain authorization from that State and comply with the provisions imposed by it; they shall specify: (a) the objectives and tasks of their research; (b) the means to be used; (c) the scientific staff to be employed; (d) the zones in which the activities are to be conducted; (e) the dates proposed for conducting them; and they shall undertake to transmit to the coastal State the primary data and results of the investigation and any samples obtained in the course of it.
5. The coastal State shall have the right to participate in the scientific research activities conducted within the zone subject to its maritime sovereignty and jurisdiction.

6. The scientific research activities in the zone subject to the maritime sovereignty and jurisdiction of the coastal State shall be conducted in conformity with the conditions laid down in the relevant authorization. These conditions shall not be altered by the persons conducting the investigation, except with the express consent of the coastal State.
7. Scientific research activities shall be so conducted that they do not harm the marine resources, and that they do not interfere with or obstruct the exploitation of those resources, navigation or existing services and installations.
8. The coastal State shall co-operate with other States and with the international organizations concerned in order to disseminate the results of scientific research.

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COMMITTEE ON THE PEACEFUL USES OF THE
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THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE III

EQUADOR, EL SALVADOR, PERU AND URUGUAY
WORKING PAPER

PRESERVATION OF THE MARINE ENVIRONMENT

1. All States have a legitimate interest in preventing and controlling pollution of the seas in defence of the marine environment and of the health and other interests of their inhabitants.

DUTIES OF STATES

2. States shall include in their national laws the provisions necessary to prevent and combat marine pollution, taking into account the interests of their inhabitants and the level of development which they have attained.

3. Every State undertakes to adopt and make known to other States within the limits of its capabilities, the measures necessary to prevent pollution of the seas through the introduction of substances, materials or wastes which may constitute a danger to human health, harm living resources, create obstacles to navigation or to the use of the sea, including fishing, or otherwise to the quality of the environment and the marine life, impair the quality of water through pollution or affect the climate and the recreation and other interests of the population.

4. States shall promote measures, including the use of scientific and technical information, to prevent and combat marine pollution, including the use of appropriate measures to prevent pollution of the seas through the introduction of substances, materials or wastes which may constitute a danger to human health, harm living resources, create obstacles to navigation or to the use of the sea, including fishing, or otherwise to the quality of the environment and the marine life, impair the quality of water through pollution or affect the climate and the recreation and other interests of the population.

5. States shall support the measures of cooperation, including the use of scientific and technical information, to prevent and combat marine pollution, including the use of appropriate measures to prevent pollution of the seas through the introduction of substances, materials or wastes which may constitute a danger to human health, harm living resources, create obstacles to navigation or to the use of the sea, including fishing, or otherwise to the quality of the environment and the marine life, impair the quality of water through pollution or affect the climate and the recreation and other interests of the population.

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6. States shall promote the free exchange of up-to-date information and experience on pollution of the marine environment, making them available to other States, in good time and on terms favourable to the dissemination of scientific and technical knowledge of the subject.

7. States shall be responsible for any damage caused to the marine environment of other States or to the international sea by discharges from their territory, waters subject to their sovereignty and jurisdiction and vessels flying their flag.

RIGHTS OF THE COASTAL STATE

8. It is for the coastal State to enact the provisions necessary for the preservation of the marine environment within the limits of its sovereignty and national jurisdiction and to adopt the most appropriate measures to protect the quality of the water and to control pollution hazards, taking into account, where relevant, the needs of co-operation with other States and the recommendations of international technical bodies.

9. Any coastal State which is confronted by a serious or imminent danger of pollution, or the threat of pollution, arising from an incident or from acts relating to an incident in areas situated beyond the limits of its sovereignty and national jurisdiction may take the measures necessary to prevent, mitigate or eliminate that danger.

INTERNATIONAL CO-OPERATION

10. States shall promote the establishment of regional machinery, in which the countries situated within a geographical area of similar characteristics and with common interests are represented, to centralize and co-ordinate at that level the various aspects of the protection and preservation of the marine environment.

11. States shall co-operate among themselves and with the competent international organizations in preparing and applying rules, standards and procedures designed to protect and preserve the marine environment beyond the areas subject to their sovereignty and jurisdiction.

12. States shall assist one another in any action taken against marine pollution, irrespective of the origin of such pollution.

13. An international body shall be established to centralize and co-ordinate all information relating to the protection, preservation and control of marine pollution and to promote international co-operation.

This body shall: (a) establish a system of watchkeeping, monitoring, measurement analysis and evaluation, at the world level, in all matters relating to the protection, prevention and control of marine pollution in areas not subject to the sovereignty and jurisdiction of coastal States; (b) recommend in good time any measures that should be adopted for the prevention, control and elimination of marine pollution; (c) publish an atlas of marine pollution containing such information as may be available on hydrobiological species existing in marine areas affected by short-term pollution, and maps and charts indicating the chief oceanographic characteristics of the various areas, such as currents, winds, rocks, etc.; (d) issue annual reports announcing the results of surveys and evaluations concerning the main aspects of marine pollution and concerning systems and measures for combating it; (e) promote the conclusion of international agreements at the world and regional levels on scientific, technical and legal matters relating to pollution of the marine environment; (f) keep up to date the schedule of pollutants referred to in paragraph 14.

COMPLEMENTARY STANDARDS AND MEASURES

14. An international ban shall be placed on the discharge into the sea of waste containing substances, materials or energy whose toxic effects on the marine environment are duly proven and which appear in the annexed schedule No. 1.
15. The coastal State shall prohibit the discharge into waters subject to its sovereignty and jurisdiction of waste containing substances, materials or energy whose toxic effects on the marine environment are duly proven and which appear in the annexed schedule No. 2, save in special circumstances, in which the specific permission of that State shall be required.
16. States shall apply penalties for the discharge of waste by their nationals into the international sea or by any person in areas subject to their sovereignty and jurisdiction.
17. States shall supply the international body with statistics on the production and use of toxic or dangerous substances which may constitute pollutants of the marine environment, especially if they are persistent.
18. States shall for statistical purposes communicate to the international body, in accordance with an established procedure, particulars of the nature and volume of the substances and materials for whose discharge they have given permission, together with the dates, places and the methods used.

19. Ships shall be under an obligation to transmit to the competent authority of the coastal State all possible information concerning any incident or action which arouses suspicion that the marine environment is being polluted in the waters subject to its sovereignty and jurisdiction.

20. Ships shall be under the same obligation to the international body to be established, in the case of incidents or actions occurring in the international sea.

21. States shall continuously evaluate the state of pollution in their waters with a view to determining the degree of such pollution, the pollutants that exist and the distribution and possible sources thereof.

22. States shall adopt suitable systems of monitoring, measurement, evaluation, analysis and control of the consequences of pollution in the marine environment, taking into account for that purpose the applicability, in each case, of internationally recognized provisions.

23. States shall lay down standards of water quality concerning the uses of water and the areas where it is located, taking into account the different geographical, ecological, social and economic conditions prevailing in each region.

24. Measures taken by the coastal State to protect and preserve the marine environment from pollution shall not be such as to transfer the effects of such pollution from one area to another.

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THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE III

ECUADOR, EL SALVADOR, PANAMA, PERU AND URUGUAY:
PRESERVATION OF THE MARINE ENVIRONMENT

Working paper

Corrigendum

1. The title of document A/AC.138/SC.III/L.47 should read as above.
2. Paragraph 6 should read as follows:

"States shall promote the free exchange of up-to-date information and experience on pollution of the marine environment, making them available to other States, in good time and on terms which will encourage the dissemination of scientific and technical knowledge of the subject".

3. Paragraph 13 (c) should read as follow:

"(c) publish an atlas of marine pollution containing such information as may be available on hydrobiological species existing in polluted marine areas and in those which may become polluted in the near future, and maps and charts indicating the chief oceanographic characteristics of the various areas, such as currents, winds, rocks, etc.;"

4. In paragraph 14, replace the word "toxic" by the word "harmful".
5. (Not applicable to the English text).
6. In paragraph 23, first line, replace the word "concerning" by the words "according to".



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THIRD COMMITTEE

Brazil, Ecuador, Egypt, Iran, Mexico, Morocco, Nigeria, Oman,
Pakistan, Peru, Senegal, Somalia, Sri Lanka, Trinidad and
Tobago, Tunisia, Uruguay, Venezuela and Yugoslavia: draft
articles on the development and transfer of technology

Article 1

1. All States shall actively promote the development of the scientific and technological capacity of developing States with regard to the exploration, exploitation, conservation and management of marine resources, the preservation of the marine environment and the legitimate uses of ocean space, with a view to accelerating their social and economic development.

2. To this end, States shall, inter alia, either directly or through appropriate international organizations:

(a) promote the acquisition, development and dissemination of marine scientific and technological knowledge;

(b) facilitate the transfer of technology, including know-how and patented and non-patented technology;

(c) promote the development of human resources and the training of personnel,

(d) facilitate access to scientific and technological information and data;

(e) promote international co-operation at all levels, particularly at the regional, subregional and bilateral levels.

3. In order to achieve the above-mentioned objectives and taking into account the interests, special needs and conditions of developing States, States shall inter alia:

(a) establish programmes of technical assistance for the effective transfer of all kinds of marine technology to developing States;

(b) conclude agreements, contracts and other similar arrangements, under equitable and reasonable conditions;

(c) hold conferences, meetings and seminars on appropriate scientific and technological subjects;

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(d) promote the exchange of scientists, technologists and other experts;

(e) undertake projects, including joint-ventures, mixed enterprises and other forms of bilateral and multilateral co-operation.

Article 2

1. All States are under a duty to co-operate actively with the "Authority" to encourage and facilitate the transfer of skills in marine scientific activities and related technology to developing States and their nationals.

Article 3

The "Authority" shall, within its competence, ensure:

(1) that adequate provisions are made in its legal arrangements with juridical and natural persons engaged in marine scientific activities, the exploration of the international Area, the exploitation of its resources and related activities to take on under training a number of the managerial, scientific and technical staff constituted for these purposes, nationals of developing States whether coastal, land-locked or otherwise geographically disadvantaged, on an equitable geographical distribution.

(2) that all blueprints and patents of the equipment, machinery, devices and processes used in the exploration of the international Area, the exploitation of its resources and related activities be made available to all developing States upon request.

(3) that adequate provisions are made by it to facilitate the acquisition by any developing State, or its nationals, of the necessary skills and know-how including professional training in any undertaking by the Authority for exploration of the international Area, exploitation of its resources and related activities.

(4) that a Special Fund is established to assist developing States in the acquisition of necessary equipment, processes, plant and other technical know-how required for the exploration and exploitation of their marine resources.

Article 4

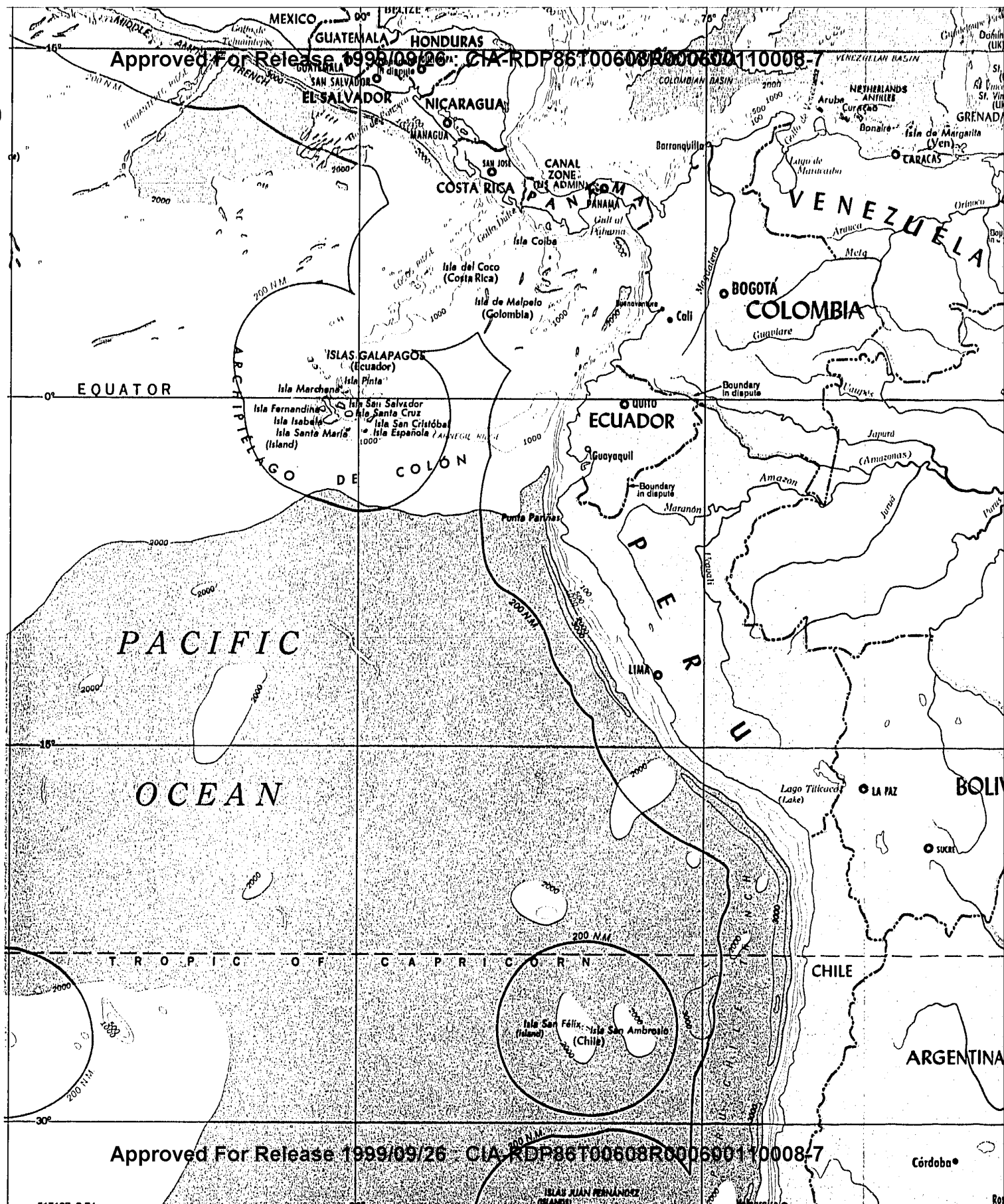
1. States shall promote the establishment in developing States of regional marine scientific and technological research centres, in co-ordination with the Authority, international organizations and national marine scientific and technological institutions.

2. The functions of such Regional Scientific and Technological Research Centres shall include, inter alia:

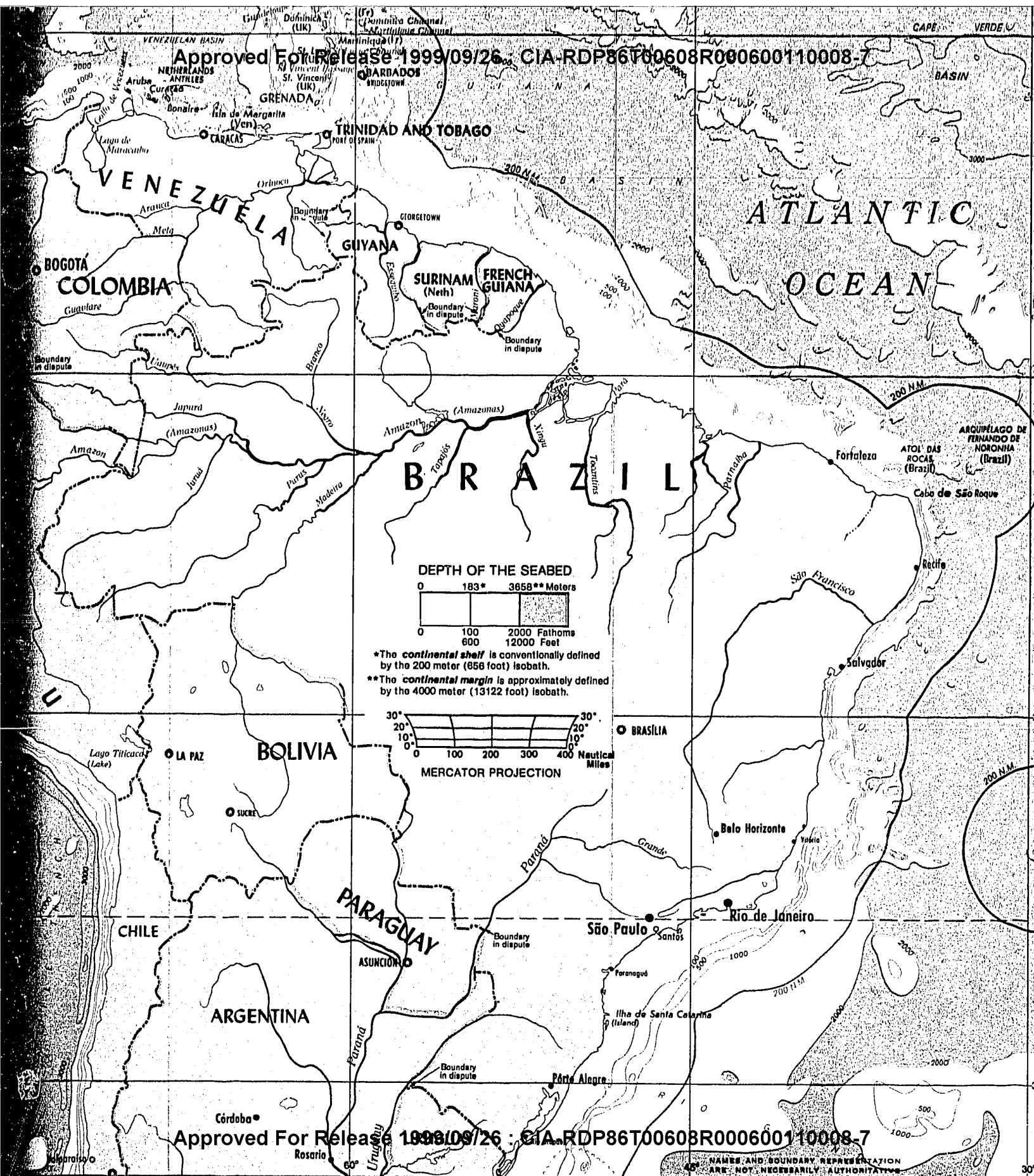
(a) training and educational programmes at all levels on various aspects of marine scientific and technological research, particularly marine biology, including conservation and management of living resources, oceanography, hydrography, engineering, geology, sea-bed mining and desalination technologies;

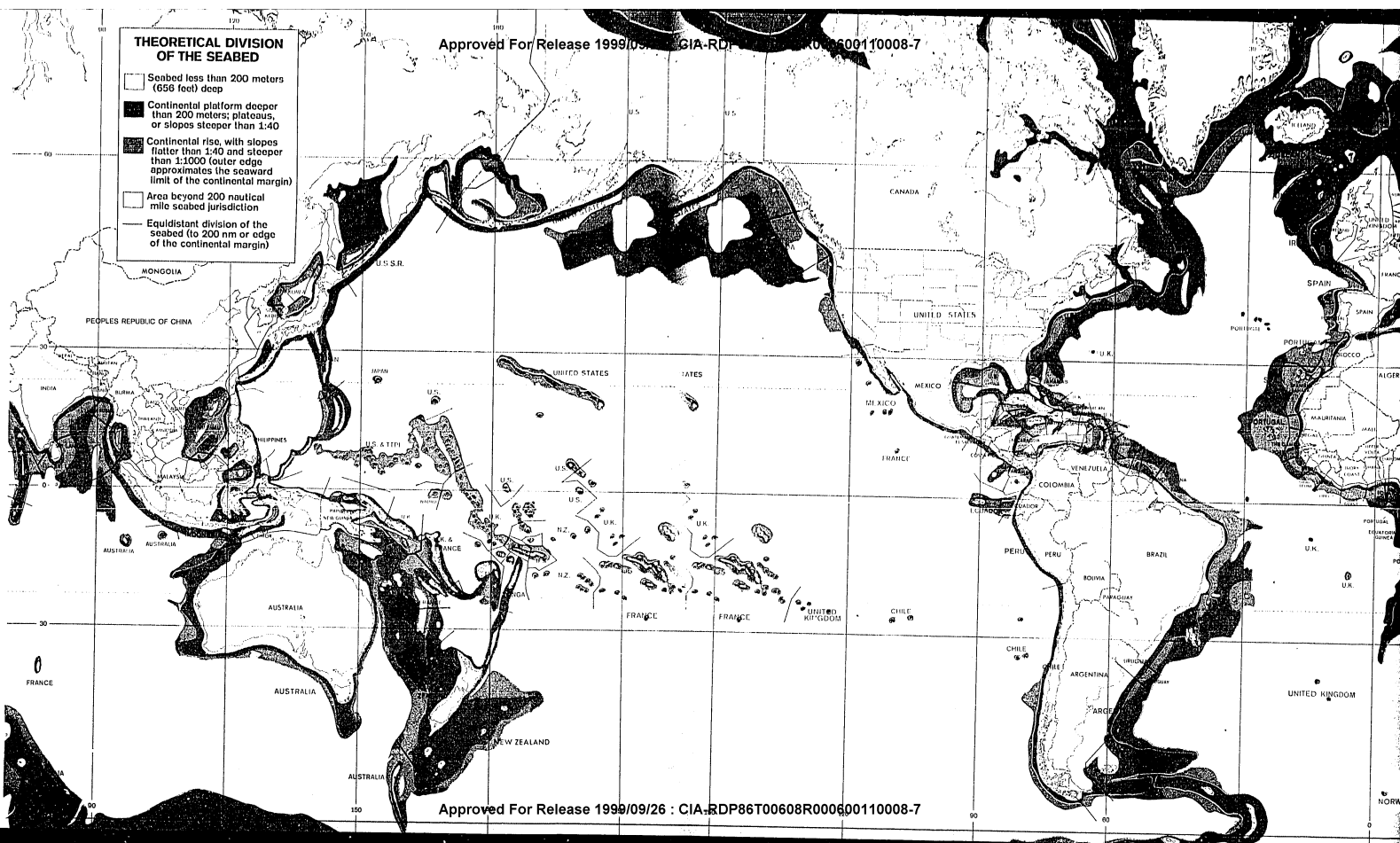
- (b) management studies;
- (c) study programmes related to the preservation of the marine environment and the control of pollution;
- (d) organization of regional seminars, conferences and symposia;
- (e) acquisition and processing of marine scientific and technological data and information, in order to serve as regional data centres;
- (f) prompt dissemination of results of marine scientific and technological research in readily available publications;
- (g) serving as a repository of marine technologies for the States of the region covering both patented and non-patented technologies and know-how; and
- (h) technical assistance to the countries of the region.

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